
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
St. Mary Medical Center, Inc.)	File No. EB-FIELDNER-12-00003250
Licensee of Radio Station WNJM815)	
Hobart, Indiana)	NOV No. V201232320006

NOTICE OF VIOLATION

Released: July 26, 2012

By the District Director, Chicago District Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules,¹ to St. Mary Medical Center, Inc. (St. Mary Medical Center), licensee of Land Mobile Station WNJM815 in Hobart, Indiana.

2. On July 11, 2012, in response to an interference complaint, an agent of the Enforcement Bureau's Chicago Office conducted an investigation and observed the following violation:

47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, . . ." St. Mary Medical Center is authorized to operate Station WNJM815 on an analog basis with a designator of 11K2F3E or 20K0F3E. Station WNJM815's license does not authorize operation of a trunked system.² At the time of the investigation, the agent observed that St. Mary Medical Center was operating a trunked voice system with a digital control channel in direct contravention of Station WNJM815's authorization.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's rules, St. Mary Medical Center must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of St. Mary Medical Center. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

¹ 47 C.F.R. § 1.89.

² Section 90.187(a) of the Commission's rules states that "[a]pplicants for trunked systems operating on frequencies between 150 and 512 MHz. . . must indicate on their applications. . . that their system will be trunked." 47 C.F.R. § 90.187(a).

³ 47 U.S.C. § 308(b).

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Chicago Office
1550 North Northwest Highway, Room 306
Park Ridge, IL 60068

4. This Notice shall be sent to St. Mary Medical Center, Inc., at its address of record.

5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

James M. Roop
District Director
Chicago District Office
Northeast Region
Enforcement Bureau

⁴ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵ 18 U.S.C. § 1001 *et seq.*